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Monitoring of State Government Announced by USD Center for Public Interest Law

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Office of Public Information, "Monitoring of State Government Announced by USD Center for Public Interest Law" (1981). *News Releases*. 2610.

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april 22
#164

NEWS RELEASE

UNIVERSITY OF SAN DIEGO



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FOR IMMEDIATE RELEASE

MONITORING OF STATE GOVERNMENT ANNOUNCED
BY USD CENTER FOR PUBLIC INTEREST LAW

The University of San Diego Law School's Center for Public Interest Law began publication this week of the "California Regulatory Law Reporter," funded by a grant from the Weingart Foundation. The quarterly publication will be the first of its kind in the United States, according to Center Director Robert C. Fellmeth, Associate Professor of Law at the USD Law School.

The Center is now monitoring meetings of all major California regulatory bodies and establishing a resource center of agency agendas, rulemaking, policies, and budgets. The intent, according to Fellmeth, is to open up the regulatory process to greater public scrutiny, with attention devoted to deregulation where appropriate. A staff of 27 attorneys and students have been attending meetings of over 60 regulatory bodies throughout California.

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MONITORING OF STATE GOVERNMENT

ANNOUNCED BY USD CENTER FOR PUBLIC INTEREST LAW 2-2-2-2-2

The first issue of the "Reporter" includes a critique of the State Office of Administrative Law, which Fellmeth says, "is making a series of uninformed and unlawful judgements and demands which jeopardize its laudable mission to streamline and deregulate government."

The publication will be distributed to libraries, journalists, judges, and legislators, and interested citizens. Its contents will include summaries of recent court actions, prospective legislation, formal opinions of the Attorney General, and the meeting proceedings of 60 state boards and commissions. The "Reporter" will focus on agencies exercising controls in the form of rate regulation or licensing requirements.

In addition to the Director, the Center includes three faculty advisers, a fulltime attorney in Sacramento, an assistant in San Diego, and 24 law student interns.

Dr. Fellmeth is a graduate of Stanford University and Harvard Law School. He has taught consumer law, antitrust law, and regulated industries for the past four years at USD. He has written or contributed to seven books in the regulatory law area, including one of the earliest arguments for trucking deregulation.

MONITORING OF STATE GOVERNMENT

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In 1974, Professor Fellmeth was appointed a special Deputy District Attorney for San Diego County; in that year he created the nation's first local antitrust unit to enforce State antitrust law. He was appointed to the State Athletic Commission in 1976, and served as its chairman from 1978 to 1980, proposing a major deregulation program.

Over the next year, the Center will focus on regulatory agencies dealing with such areas as food processors, car dealers, trash haulers, billboards, psychologists, hearing aid dispensers, landscape architects, geologists, geophysicists, petroleum engineers, social workers, dry cleaners, and the boxing and wrestling industries.

The Center will, for the first time, provide a centralized record of the activities of California's immense regulatory government. The Center, according to Fellmeth, will eventually engage in the publication of critiques and in "advocacy projects" before the agencies and the legislature. "This is the perfect time to examine these many boards which affect us all in so many ways, because they are required before 1983 to review and revise all their rules--and public input is mandated."

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4/22/81

Quote from USD Associate Professor of Law Robert C. Fellmeth:

"The California legislature works in a public arena-- elected officials make statements, bills are publicly introduced with great fanfare. But most of government occurs within the regulatory bodies. Exercising crucial and detailed executive, legislative (rule making) and judicial (licensing, fines) powers, over 60 major agencies operate in relative obscurity, despite their enormous powers and import. These agencies affect trades ranging from embalmers to bankers. Their decisions determine how easy it is for a newcomer to get into most of our trades, how easy it is to advance, what the quality of our goods and services is going to be like and how much we are going to have to pay. They also determine the level of honesty and competence of those providing the brunt of our goods and services. Most of these agencies are a part of state government, and despite a number of sunshine laws, they are largely unmonitored. For the first time, they are being monitored by citizens in a comprehensive fashion. For the first time, one document will summarize all major developments throughout this area of state government, including agency proceedings and major projects, litigation affecting regulatory procedures, new legislation and the activities of various advocacy groups. Copies of the publication will be sent to journalists, libraries, interest groups, scholars, legislators and others to make our government more visible and, hopefully, accountable.

The First issue includes a blistering critique of the much-heralded Office of Administrative Law, documenting in careful fashion the dangerous excesses of the Office, which is substituting its substantive judgement for that of the regulatory agencies in violation of the law and in excess of its jurisdiction. This new Office of Administrative Law, whose purpose it is to stimulate deregulation, is requiring rule justifications from agencies based on rulemaking records which do not exist and which are not supposed to exist. The Office is misunderstanding fundamental concepts of administrative law, according to the article by Gene Erbin and Center Director Robert C. Fellmeth. In making a series of uninformed and unlawful judgement and demands, the Office jeopardizes its lawful mission, since it is heading for serious court reversals and for misjudgements of substantive policy."